

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE: APPLICATION OF OMAR
ALGHANIM FOR AN ORDER TO
TAKE EXPEDITED DISCOVERY
FOR USE IN FOREIGN
PROCEEDING PURSUANT TO 28
U.S.C. § 1782

Misc. Action No.:

DECLARATION OF ROBERT A. VAN KIRK

I, Robert A. Van Kirk, having personal knowledge of the statements herein, declare as follows:

1. I am a partner in the firm Williams & Connolly LLP, counsel for Petitioner Omar Alghanim in the above proceedings.
2. On December 29, 2020, I sent an email to David J. Stoll, a partner in Milbank LLP asking him to authenticate a non-privileged email he had received from his client, Kutayba Alghanim, on November 28, 2019. A true and correct copy of that email and its attachments is attached as **Exhibit 1**.
3. On January 5, 2021, Mr. Stoll proposed a phone conversation to discuss my request, which took place on January 8, 2021. I noted during that call that although the request for cooperation made on December 29, 2020 was very narrow in an effort to forestall needless litigation regarding enforceability, in the event that a Section 1782 petition were to be filed, it would be broader (albeit still tailored) to account for the necessity of comprehensively collecting relevant evidence through adverse proceedings. Mr. Stoll (and his colleague and counsel, who joined the call as well) said that they needed to discuss my request within their firm and with Kutayba, and would respond once they had done so.

4. In a follow on email on January 8, 2021, I asked for a response by the close of business on Wednesday, January 13, 2021. On January 12, 2021, Milbank asked for a courtesy extension until January 20, 2021 to respond to my request, and on January 20, 2021, Milbank requested a further extension until January 22, 2021 to respond. In each instance, I agreed to the requests.

5. On January 22, 2021, Milbank advised that it would not supply an affidavit authenticating the document from its client, which I had requested in my December 29, 2020 email. A true and correct copy of that email, including the above emails in the chain, is attached as **Exhibit 2**.

6. A proposed order authorizing the discovery sought in these proceedings is attached as **Exhibit 3**.

7. The proposed subpoenas to be issued and served for the discovery sought in these proceedings are attached as **Exhibit 4**.

I declare under penalty of perjury that the above and foregoing is true and correct.



Robert A. Van Kirk